

U.S. Application No. 10/022,479 – Filed: December 17, 2001

Amendment Dated: November 19, 2003

Reply to Office Action / Notice of Non-Compliant Amendment Dated: November 12, 2003

**In the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Withdrawn) Digital image recording process in which a color toner image made of toner layers having different colors is transferred onto an image receiving substrate and then fused and fixed onto the image receiving substrate by impingement with electromagnetic radiation, characterized in that, in order to produce the color black at least one toner layer is used that has similar absorption properties, at least for one wavelength within a predetermined wavelength range for the electromagnetic radiation, as the other toner layers that are used.

2. (Withdrawn) Process according to claim 1, characterized in that, the predetermined wavelength range is the range from 0.8  $\mu\text{m}$  to 10  $\mu\text{m}$ .

3. (Withdrawn) Process according to claim 1, characterized in that, the predetermined wavelength range is selected such that the energy of the electromagnetic radiation is predominately absorbed by the image receiving substrate and not by the toner layers.

4. (Withdrawn) Process according to claim 1, characterized in that, the predetermined wavelength range is the range from 0.8  $\mu\text{m}$  to 3  $\mu\text{m}$ .

5. (Withdrawn) Process according to claim 1, characterized in that, the color black is produced by a combination of different colored toner layers.

6. (Withdrawn) Process according to claim 1, characterized in that, the color black is formed or formed together with at least one toner layer that contains a combination of different colored color pigment particles.

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7. (Withdrawn) Process according to claim 1, characterized in that, the color black is formed or formed together with at least one toner layer that is not pigmented with carbon black.

8. (Withdrawn) Process according to claim 1, characterized in that, the color black is formed or formed together with at least one toner layer that contains a black pigment.

9. (Withdrawn) Process according to claim 1, characterized in that, the color black is formed or formed together with at least one toner layer that has a carbon black portion of less than 2%.

10. (Withdrawn) Process according to claim 1, characterized in that, the color black is formed or formed together with at least one toner layer that contains neutral gray pigments free of carbon black.

11. (Withdrawn) Device for performing the process of claim 1.

12. (Presently Amended) Toner for a color printer and/or copier device, whereby the toner having different color pigmented particles, in a toner layer, is suitable to produce the color black and provided for the purpose of being fused by electromagnetic radiation and fixed onto an image ~~carrier~~ receiving substrate, characterized in that, the toner layer has ~~similar~~ absorption properties, during irradiation with electromagnetic radiation with ~~at least one wavelength out of a predetermined wavelength range, in the IR range below approximately 5  $\mu$ m, so as to absorb less than 10% of the energy~~ as other toners in the toner layer that are provided to produce colors other than black.

13. (Cancelled)

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14. (Presently Amended) Toner according to claim 12, characterized in that, the predetermined wavelength ~~range~~ is the range from 0.8  $\mu\text{m}$  to 3  $\mu\text{m}$ .

15. (Cancelled)

16. (Cancelled)

17. (Presently Amended) Toner according to claim ~~13~~ 12, characterized in that, the toner layer contains a combination of different colored particles that are provided to produce the colors cyan, magenta, and yellow.

18. (Presently Amended) Toner according to claim ~~13~~ 12, characterized in that, ~~it has no~~ the toner layer is not pigmented with carbon black.

19. (Presently Amended) Toner according to claim ~~13~~ 12, characterized in that, ~~it~~ the toner layer contains a portion of carbon black of less than 2% (by weight).

20. (Presently Amended) Toner according to claim ~~13~~ 12, characterized in that, ~~it~~ the toner layer contains neutral gray pigments.

21. (Cancelled)

22. (Cancelled)